

**MINUTES**

**MONTANA SENATE  
58th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON EDUCATION AND CULTURAL RESOURCES**

**Call to Order:** By **CHAIRMAN BILL GLASER**, on January 13, 2003 at 3:00 P.M., in Room 317-C Capitol.

**ROLL CALL**

**Members Present:**

Sen. Bill Glaser, Chairman (R)  
Sen. Bob Story Jr., Vice Chairman (R)  
Sen. Jerry W. Black (R)  
Sen. Edward Butcher (R)  
Sen. Mike Cooney (D)  
Sen. Jim Elliott (D)  
Sen. Royal Johnson (R)  
Sen. Jeff Mangan (D)  
Sen. Don Ryan (D)  
Sen. Tom Zook (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Tari Elam, Committee Secretary  
Connie Erickson, Legislative Branch

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: SB 81, 1/6/2003; SB 97,  
1/6/2003; SB 127, 1/6/2003; SJ  
2, 1/6/2003  
Executive Action: SJ 2

**HEARING ON SB 81**

**Sponsor:** **SENATOR MIKE COONEY**

**Proponents:** Linda McCulloch, State Superintendent, Montana  
Office of Public Instruction (OPI)  
Mr. Ed Jolicoeur, on behalf of Frank H. Snow  
(step-father), in absentia  
Krista Kockler, Student, Project for Alternative  
Learning (PAL)  
Tom Paxson, Government & U.S. History Teacher,  
PAL, self and veterans  
Bob Ream, Montana Democratic Party  
Colonel Joseph A. Goldes, U.S. Army (Retired), MIL  
Order of Purple Heart, WWII & Korean Veteran, self  
and other veterans  
Alex Smietanka, Student, Project for Alternative  
Learning (PAL)  
Brenda Painter, Self and grandfather

**Opponents:** None

**Informational Witnesses:** Mike Barrett, self

**Opening Statement by Sponsor:**

SENATOR MIKE COONEY, SD 26, HELENA, stated the purpose of the bill is to recognize the educational, professional, and financial sacrifices made by veterans who served in the United States Armed Services. The legislation allows Honorary High School Diplomas to be awarded to Veterans of WWII and the Korean War who did not receive diplomas due to their military service. Veterans must show proof of service and honorable discharge; family members may apply for those qualified veterans already deceased.

*{Tape: 1; Side: A; Approx. Time Counter: 4 - 26.3}*

**Proponents' Testimony:**

Linda McCulloch, State Superintendent, OPI, submitted written testimony, **EXHIBIT**(eds06a01). In addition, Ms. McCulloch, read portions of a letter in support from a resident of Illinois whose father is a native Montanan and WWII Veteran who did not receive a high school diploma. Ms. McCulloch also submitted a letter in support from Mr. Ed Jolicoeur (see Exhibit 2).

Ed Jolicoeur, on behalf of his step-father, submitted written testimony, **EXHIBIT**(eds06a02).

Krista Kockler, Student, PAL, stated she is in support of SB 81.

**Tom Paxson, Government & U.S. History Teacher, PAL,** testified he is in support of this bill as a long overdue public acknowledgment for sacrifices made by these veterans.

**Bob Ream, Chairman, Montana Democratic Party,** indicated he supports the legislation and appreciates its recognition of life experience as a part of the educational process.

**Colonel Joe Goldes, U.S. Army (Retired),** testified that having had numerous soldiers under his command at the Battle of the Bulge who were under the age of 18, he believes this bill is an important demonstration of our recognition and support of their sacrifices.

**Alex Smietanka, Student, PAL,** testified about the ability of present day students to receive high school credit for on-the-job training and how this compares to the experiences of the soldiers of WWII & Korea, stating that soldiers learned about discipline, communications, technical skills, and so forth. **Ms. Smietanka** is also in support of this bill because she believes it is respectful of the sacrifices made by these veterans.

**Brenda Painter, on behalf of her grandfather,** stated her grandfather was a veteran who would have fallen under this legislation. Although his own education was interrupted by war, he was always a strong proponent of education and each of his children (and grandchildren) continued on much further than opportunity allowed for him. She would like to see this legislation passed.

#### Informational Witness' Testimony

**Mike Barrett, self,** submitted written testimony, **EXHIBIT** (eds06a03).

#### Questions from Committee Members and Responses:

**SENATOR ROYAL JOHNSON,** inquired of **SEN. COONEY** about the absence of those veterans from later conflicts, i.e., Vietnam and the Gulf War. Why did we not include all veterans? **SEN. COONEY** deferred to **Ms. McCulloch** who responded that after the Korean Conflict the General Education Diploma (GED) program was initiated. Those servicemen from WWII & Korea did not have that option open to them.

**SEN. JOHNSON** expanded upon his question, inquiring of **Ms. McCulloch** whether the bill shouldn't be more inclusive rather than less; i.e., covering the possibility of someone being left out because they cannot fit into the GED program. **Ms. McCulloch**

responded that in addition to the GED option, it is less likely that a 16 or 17 year old person would be allowed to join the service without a high school diploma today. **SEN. COONEY** offered to modify the legislation so as to be more inclusive in its reach. **SEN. JOHNSON** responded the more inclusive nature is desirable.

**CHAIRMAN GLASER** offered his observations regarding the bipartisan support of this legislation, noting that both parties have this legislation in their action plans.

**Sponsor's Closing:**

**SEN. COONEY** expressed his appreciation for all those who supported this legislation. He also expressed his appreciation for the work done by students at PAL.

**HEARING ON SJ 2**

**Sponsor:** SENATOR DON RYAN

**Proponents:** Katie Bark, Registered Dietician, Bozeman  
Minkie Medora, Registered Dietician, Missoula City  
County Health Department  
Bob Gilbert, Dairy Gold Farms, Bozeman  
Kim Anderson, Principal, Whitefish Central School  
Randy Morris, Member, Board of Public Education  
Mary McCue, Montana Dental Association  
Dr. Lynn Paul, Montana Dietetic Association  
Bob Vogel, Montana School Boards Association  
(MSBA)  
Dave Puyear, Montana Rural Educators Association,  
*in absentia*  
Jennifer Loomis, President, Montana Association  
of Health, Physical Education, Recreation and  
Dance, MAHPERD  
Rick Chiotti, Administrator, Health Enhancement  
and Safety Division, BPI  
Amy Sullivan, Montana Dietetic Association  
Sami Butler, Montana Nurses Association, *in  
absentia*

**Opponents:** None

**Informational Witnesses:** None

*{Tape: 1; Side: A; Approx. Time Counter: 27.1 - 31}*

**Opening Statement by Sponsor:**

**SENATOR DON RYAN, SD 22, Great Falls,** brought forward **SJ 2**, a resolution urging schools to offer healthy food and beverage choices and to provide opportunities for physical activities to students. **SEN. RYAN** indicated that he brought this legislation forward both as a senator and a father. **SEN. RYAN** explained why the need for this legislation arises indicating that although schools understand nutritional issues, they may not understand the interconnectedness of the various issues. **SEN. RYAN** stated a resolution by the legislature will convey the appropriate message to school districts so as encourage them to make policy decisions which promote a healthy environment for students.

**Proponents' Testimony:**

**Katie Bark, Registered Dietician,** submitted written testimony **EXHIBIT** (eds06a04).

*{Tape: 1; Side: B; Approx. Time Counter: 4.7 - 29.4}*

**Minkie Medora, Registered Dietician,** submitted written testimony **EXHIBIT** (eds06a05).

**Bob Gilbert, Dairy Gold Farms,** outlined the results of a pilot project conducted in Bozeman schools. In cooperation with Golden West Pepsi Distributors, Dairy Gold placed various milk-based products in soft-drink vending machines. **Mr. Gilbert** indicated student response to the program has been very positive. **Mr. Gilbert** also provided the Committee with samples of the Dairy Gold products now being placed in school vending machines.

**Kim Anderson, Principal, Whitefish Central School,** indicated that his school is now in its seventh year of participation in the Montana Behavioral Initiative; an initiative created to enhance a more positive learning environment. In response to increased behavioral problems, school staff took an active approach to discovering from where the problems might arise. Part of their findings included the high fat and sugar contents of various food items being offered at lunch time. Since studies indicate there is a correlation between these two factors and behavior problems, staff determined they were contributing to the very problems for which they were seeking solutions; and, thus, academics were being compromised by a factor over which the school had some degree of control. **Mr. Anderson** then went on to discuss the

measurable success made in Whitefish with regard to their own pilot project; a project which took proactive steps to replace the type of food and beverage products offered to students. **Mr. Anderson** indicated the measure of success achieved can be determined by the number of behavioral referrals: to date, they have seen a decrease in referrals from six-eight per day to one-two per week. The parents, teachers, board, and staff members continue to work on various ways to address these concerns. **Mr. Anderson's** observation regarding the efforts extended thus far: academics and behavior are being positively influenced by changes in food and beverage choices made available to students.

**Randy Morris, Member, Board of Public Education**, represents Montana in the national Healthy Schools Network, who, in conjunction with the Center for Disease Control, serves in an advisory capacity to the U.S. Surgeon General and Department of Education on national issues related to promoting a healthy student population. **Mr. Morris** is in support of this legislation because it conveys the right message to schools and students.

**Mary McCue, Executive Director, Montana Dental Association**, disseminated information compiled by the American Dental Association regarding the correlation between diet and tooth decay **EXHIBIT (eds06a06)**. **Ms. McCue** suggested the reduced availability of soft drinks to students--an inferred goal of this legislation--is a move in the right direction to improved dental and general health.

**Dr. Lynn Paul, Montana Dietetic Association**, testified that she has experience in community nutrition, nutrition education and research, and linking this work with the promotion of Montana agriculture. **Dr. Lynn** testified obesity in children has reached an alarming rate of increase with substantial numbers of children failing to consume adequate amounts of grains and milk. Montana children who fall into this category present a dilemma for nutritionists as milk and grains are both important agricultural products in Montana. **Dr. Lynn** indicated schools can serve an important role in turning these trends around. She believes the food and beverage products which are offered, together with how they are prepared, will serve to promote healthier eating habits in Montana's children. **Dr. Lynn** also made reference to information contained in EXHIBIT 10; a reference source for the testimony she provided.

**Bob Vogel, Montana School Boards Association (MSBA)**, stated **MSBA** believes the guidance provided to schools in this legislation is important. **MSBA**, in conjunction with the Healthy Schools Network, support this legislation. **Mr. Vogel** also conveyed the

support of **Dave Puyear**, on behalf of **Montana Rural Educators Association**.

*{Tape: 2; Side: A; Approx. Time Counter: 0.2 - 19}*

**Jennifer Loomis**, President, **MAHPERD**, submitted written testimony **EXHIBIT(eds06a07)**, and provided the Committee with copies of the 2002, "Montana School Health Issues" Survey **EXHIBIT(eds06a08)**.

**Rick Chiotti**, Administrator, **BPI**, submitted written testimony **EXHIBIT(eds06a09)**.

**Amy Sullivan**, Lobbyist, **Montana Dietetic Association**, provided a packet of information assembled by her association, inclusive of letters from various community members in support **EXHIBIT(eds06a10)**. **Ms. Sullivan** indicated the position of her organization is that this is a public/private partnership with schools working together with various providers in the community to encourage healthier behavior in children. Additionally, **Ms. Sullivan** noted many suppliers are doing very well offering healthier choices to students. **Ms. Sullivan** also offered the support of **Sami Butler**, on behalf of the **Montana Nurses Association**.

**Questions from Committee Members and Responses:**

**SENATOR STORY** asked **Ms. Bark** if she would explain the difference between fat found in milk-based drinks and fat found, for example, in potato chips. **Ms. Bark** explained that a certain percentage of calories per day should come from fat. Animal and vegetable fats are different, and anything under 20% of daily recommended is usually considered a good source.

**SEN. STORY** expressed his concerns over the potential for overcorrecting thereby causing incidences of anorexia to increase. He asked **Ms. Medora** whether the present direction might lead to that equally dissatisfying result. **Ms. Medora** explained the issue is good nutrition. As long as the programs are promoted correctly, they are about health and not appearance so problems of anorexia should not arise.

**SEN. STORY** inquired of **Mr. Anderson** about the costs associated with removing soft drink machines. **Mr. Anderson** explained there were no costs; noting, in fact, the school continues to be able to fund the various extracurricular activities that were funded before. **SEN. STORY** then asked about the long-term contracts often entered into by some schools with soft drink companies, and whether **Mr. Anderson** had found it necessary to deal with that

issue. **Mr. Anderson** replied that, although many of those contracts seem desirable at the forefront, his school has stayed away from them.

**SENATOR BUTCHER** asked **SEN. RYAN** why--given all the horror stories indicating this is the second largest cause of death among teenagers--he is presenting a resolution rather than a bill.

**SEN. RYAN** explained that passing along the information to schools, without passing an unfunded mandate, is the correct way to address the concern at this time. Presenting the information in this manner informs schools of the legislature's position, but still allows schools the opportunity to make necessary changes themselves. **SEN. RYAN** also explained if the problem continues then a bill will be more appropriate.

**SENATOR ZOOK** discussed the historical practice of taxing certain items in order to influence social change asking **SEN. RYAN** if he would support a tax on pop. **SEN. RYAN** replied in the affirmative.

**Sponsor's Closing:**

**SEN. RYAN** expressed his appreciation to the dieticians who requested his assistance with this bill; and, to **SEN. BUTCHER** for the question regarding a bill rather than a resolution. **SEN. RYAN** also expressed his assurances that parents and grandparents, together with schools, can bring about desired change. He explained how changes in behavior associated with sugar consumption are readily seen in his own four year old daughter, so the purpose and need of the legislation is easily comprehensible to the public. He then expressed his thanks to the Committee.

**HEARING on SB 127**

**Sponsor:** **SENATOR JOHN BOHLINGER**

**Proponents:** **Rod Sundsted, Associate Commissioner for Fiscal Affairs, Montana University System**  
**Tom Figarelle, Forward Montana,**  
**Sarah Kelly, President, Family Education Savings Program Oversight Committee**  
**Joe Mazurek, Lobbyist, D.A. Davidson Companies**  
**Sarah Cobler, Associated Students, University of Montana, Dillon and Missoula**  
**Will Hammerquist, Associated Students, Montana**



**State University, Bozeman**  
**Erin Flynn, Student, University of Montana**

**Opponents:**       None

**Informational Witnesses:** None

***{Tape: 2; Side: A; Approx. Time Counter: 19.5 - 30.5}***

**Opening Statement by Sponsor:**

**SENATOR JOHN BOHLINGER, SD 7, BILLINGS**, explained how, in 1997, the Family Education Savings Act was first introduced to the legislature; an Act which allowed families to save money for their children's education without being subjected to normal tax penalties. **SEN. BOHLINGER** outlined the findings of his own research, indicating that costs of education have risen substantially due to inflation and higher costs across the board. This bill will allow the families to increase their annual contribution to a savings account from \$3,000 to \$5,000 per year.

**Proponents' Testimony:**

**Rod Sundsted, Associate Commissioner for Fiscal Affairs, Montana University System**, stated he has been responsible for upgrading this program since its inception and sees it as an incredibly popular program. **Mr. Sundsted** briefly discussed how financial aid dollars are often in the form of loans, some of which are public and others private. This program is advantageous to Montanans because it allows Montana citizens access to higher learning without accruing the enormous debt often associated with various private loan programs.

**Tom Figarelle, Forward Montana**, testified the importance of this program is its correlation to private loan debt and student study time. **Mr. Figarelle** indicated that after having exhausted Federal and State loans and grants, many Montana students are forced to look to the private sector for additional loans to finish their education. These loans are much more expensive, necessarily resulting in higher educational debt. He also discussed how student grades are adversely affected when they must choose between work responsibilities and study time. **Mr. Figarelle** stated it is his organization's directive to find positive solutions to issues such as access to higher education; he believes this legislation is indicative of just such a solution.

**Sarah Kelly, President, Family Education Savings Program Oversight Committee**, submitted written testimony **EXHIBIT (eds06a11)**.

*{Tape: 2; Side: B; Approx. Time Counter: 1.8 - 27}*

**Joe Mazurek, Lobbyist, D.A. Davidson Companies**, testified his organization has long been supportive of higher education, and is strongly in support of this bill. **Mr. Mazurek** conveyed his own experience--being able to work during the summer to afford college expenses--as compared to his own sons, stating that they are not able to do the same. **Mr. Mazurek** also referred the Committee to assumption number five in the fiscal note, stating he disagrees with the validity of the assumption. Although he agrees there are some costs to the university system, he believes the potential investment in kids is well worth those costs.

**Sarah Cobler, Associated Students, University of Montana, Dillon and Missoula**, conveyed her organization's strong support of this bill as a positive method for providing access to the university system. She would like to see this program continue and expand appropriately so as to provide this option to future generations of Montanans.

**Will Hammerquist, Associated Students, Montana State University, Bozeman**, testified on behalf of his organization that this program is an effective tool and market-based solution for families to save for their children's education. As costs increase, due to inflationary pressure, **Mr. Hammerquist** explained, in his opinion it is appropriate for the maximum tax credit to increase also. **Mr. Hammerquist** also noted that 12,000 students attend **MSU** whose families are working to support their pursuits in higher education; this is a good solution for many of them.

**Aaron Flynn, Student, University of Montana**, testified that although this bill may divert money away from direct contribution to the University, it does so in an appropriate manner. **Mr. Flynn** indicated he believes the families who pay for education should receive the benefit. He does not think increasing funding to the University, rather than providing a benefit to families, is a better approach. **Mr. Flynn** also conveyed his own concerns regarding funding and the Broadcast Journalism Department, as well as his concerns over the possible elimination of National Guard Scholarships.

**Questions from Committee Members and Responses:**

**SENATOR BUTCHER** expressed his concerns over reaching more needy students, indicating that Montana has 450,000 plus persons with approximately 3,000 taking advantage of this program. He asked **SENATOR BOHLINGER** if this legislation benefits solely the wealthy. **SEN. BOHLINGER** explained that many of those who take advantage of this program are mid-level income families. Since the plan's goal is to promote families being able to contribute to their children's education, it provides an avenue to anyone who chooses to do so; there is no minimum contribution. Further, by increasing the maximum allowable, we make it possible for families to save an amount more in line with the costs associated with college education.

**SEN. BUTCHER** then inquired of **SEN. BOHLINGER** where the money will come from to cover the \$188,000 plus dollars the fiscal note indicates will be the cost of this legislation. **SEN. BOHLINGER** replied that he has three tax reform proposals which will more than cover the stated costs of this legislation.

**SENATOR MANGAN** asked **SEN. BOHLINGER** whether there is a process in place by which Montanans can roll-over monies invested elsewhere into this program. **SEN. BOHLINGER** responded by explaining that the Act which allows for the deduction provides community wide information. **SEN. BOHLINGER** requested **Mr. Sundsted** provide **SEN. MANGAN** with a more thorough answer. **SEN. MANGAN** expanded on his question, explaining that many Montanans may not be aware this is available to them. **Mr. Sundsted** responded by explaining that roll-overs are possible as long as they do not exceed the limit. He also explained that his group is attempting to inform the general public on a regular basis.

**SEN. BUTCHER** sought clarification from **Mr. Sundsted** with regard to the \$300,000 marketing expense associated with the program. **Mr. Sundsted** explained the company in charge of managing and investing for the program invested over \$300,000 in advertising last year to ensure as many Montanans as possible are aware of the program.

**SENATOR STORY** noted the fiscal note indicates that 1,345 people took advantage of this deduction last year; of these, the average contribution was \$2,500. He asked **SEN. BOHLINGER** whether by increasing the deduction that many more people will take advantage of the program. **SEN. BOHLINGER** responded that **SEN. STORY**'s observations were correct, with future projections indicating the averages will remain the same. However, **SEN. BOHLINGER** explained that he has not been persuaded by the fiscal note. He sees Montana's future as being one of economic expansion; this bill, therefore, anticipates that potential. By

providing the opportunity now, the mechanism for the future will be in place.

**SEN. STORY** then expressed his concern over statutory construction. He noted the last page of the bill stipulates that "an individual who contributes an account" might be read as allowing for multiple deductions. **SEN. STORY** asked **SEN. BOHLINGER** to check with Tax Staff for potential conflicts, and to ensure the statute cannot be interpreted in such a manner. **SEN. BOHLINGER** indicated he would meet with staff the following morning.

**Closing by Sponsor:**

**SEN. BOHLINGER** expressed his agreement with **Mr. Figarelle** regarding the ability of students to be students and how this legislation supports that goal. **SEN. BOHLINGER** also noted that **Mr. Mazurek** made an important point regarding assumption number five in the fiscal note. **SEN. BOHLINGER** agrees with **Mr. Mazurek** that simply making this choice available does not mean all persons will desire to take advantage of the option. **SEN. BOHLINGER** also agrees with **Mr. Flynn's** assertion regarding this legislation's being a direct contribution to families. **SEN. BOHLINGER** hopes the Committee will assist this bill through the process. He will provide **SEN. STORY** with the information requested as soon as possible.

**HEARING ON SB 97**

*{Tape: 2; Side: B; Approx. Time Counter: 27.2 - 31.5}*

**Sponsor:** SENATOR ROBERT STORY

**Proponents:** Madalyn Quinlan, OPI  
Rachel Vielleux, Superintendent of Schools,  
Missoula County, *in absentia*  
Joyce Decker Wegner, Superintendent of  
Schools, Lake County, *in absentia*  
Harold Blatie, Assistant Director, Montana  
Association of Counties

**Opponents:** NONE

**Informational Witnesses:** NONE

**Opening Statement by Sponsor:**

**SENATOR ROBERT STORY, SD 12, Carbon County**, stated he brings this bill forward at the request of the Office of Public Instruction. The bill requires County School Superintendents to include their method of calculation in the mandatory reports submitted to OPI. **SEN. STORY** explained how difficult is the task of allocating resources; a process made only more difficult by lack of communication and the provision of limited information.

**Proponents' Testimony:**

**Madalyn Quinlan, OPI**, submitted written testimony **EXHIBIT(eds06a12)**. **Ms. Quinlan** also submitted letters in support from **Rachel Vielleux EXHIBIT(eds06a13)**, and **Joyce Decker Wegner EXHIBIT(eds06a14)**.

*{Tape: 3; Side: A; Approx. Time Counter: 0.1 - 30}*

**Harold Blatie, Assistant Director, Montana Association of Counties**, testified regarding his organization's support of this bill arises from the knowledge that accurate and timely information is very important. He does not believe it imposes too great a burden on administrators. **Mr. Blatie** also asked the Committee to be advised that **HB 207** (a bill requested by the Department of Revenue to delay certification of the taxable value date from the second Monday in July until the first Monday in August) was heard and appears to be moving forward. **Mr. Blatie** indicated the effect of bills such as **HB 207** would be to delay the entire reporting process.

**Questions from Committee Members and Responses:**

**SENATOR COONEY** asked **SEN. STORY** why the various organizations cannot simply work together to accumulate this information; in other words, why do we need legislation to accomplish this goal. **SEN. STORY** responded that **Ms. Quinlan** might be in better prepared to answer the question. **SEN. COONEY** redirected his question to **Ms. Quinlan**. **Ms. Quinlan** replied the need for the legislation arises because they are attempting to collect this information from 56 counties. They would like to be able to do so in a uniform and timely manner. If legislation exists wherein the counties must comply, it will make the process go more smoothly. The absence of legislation will allow for varying degrees of cooperation.

**SEN. STORY** then asked whether **Ms. Quinlan** had attempted to gather this information in the past and experienced difficulty. **Ms. Quinlan** replied in the negative; noting, however, the need arises

from her office's obligation to the legislature. When information regarding various topics is requested, her office is able to provide the information for the state but not often for individual counties.

**SENATOR BUTCHER** inquired of **Ms. Quinlan** whether she was certain this need cannot be covered under the Administrative Rules of Montana and whether this is an unfunded mandate to counties. **Ms. Quinlan** replied her office has more control over local schools, however, they've no control over county agencies. There may be little cooperation between the agencies. With regard to the question of unfunded mandates, **Ms. Quinlan** replied the directive should require no more than an hour to complete so it should not present a problem.

**Closing by Sponsor:**

**SEN. STORY** expressed his appreciation to OPI and the Committee for hearing this legislation. He noted that while cooperation may be desirable it is sometimes difficult to achieve. **SEN. STORY** also explained the benefit to taxpayers, stating that should someone have a question about the direction of mill levies, the information would be readily available.

**EXECUTIVE ACTION ON SB 127**

***{Tape: 3; Side: A; Approx. Time Counter: 8 - 8.3}***

**CHAIRMAN GLASER** requested the Committee hold **SEN. BOHLINGER's** bill, **SB 127**, until clarification on questions raised by Committee Members can be addressed.

**EXECUTIVE ACTION ON SB 97**

***{Tape: 3; Side: A; Approx. Time Counter: 8.4 - 10.0}***

**SEN. COONEY** motioned to move **SB 97**.

**Discussion:**

**SEN. COONEY** stated his experience has shown that it is often difficult to coordinate the demands of numerous local officials. He understands the need for this legislation, as explained by **Ms. Quinlan**, indicating the importance of being able to depend on the information on a regular basis.

**SEN. BUTCHER** requested the Committee delay action until he has had the opportunity to talk with his county superintendent.

**SEN. COONEY** withdrew his motion.

**EXECUTIVE ACTION ON SJ 2**

*{Tape: 3; Side: A; Approx. Time Counter: 10.2 - 15}*

**SEN. RYAN** motioned **SJ 2 DO PASS.**

**Discussion:**

**SEN. ZOOK** expressed his concern over what appears to be a passing of parental obligation to the schools with regard to the question of nutrition. **SEN. ZOOK** noted that many schools realize the correlation between nutrition and learning, but they are not able to address the problem alone.

**CHAIRMAN GLASER** noted the concerns of **SEN. ZOOK** are difficult issues which may not be able to be addressed with legislation.

**SEN. JOHNSON** expressed his concern over the fact that in Billings dieticians set school lunch menus. When menus are filled with Pepsi and hotdogs, he fails see how they are doing what is being said should be done. Regardless, however, he does see this as a good reminder to schools and an opportunity to correct the problem.

**SEN. RYAN** explained the difference between the regular lunch offering and the ala carte option; the later being directed by student surveys. **SEN. RYAN** believes if we remove the potential for peer pressure, better choices will be made; i.e., vegetables, milk, juice, and water will become the norm.

**SEN. MANGAN** suggested much of this debate is indicative of policy decisions. Families shifting their obligations to schools, and schools seeking revenue from the private sector in the form of long-term product contracts, are both demonstrative of the effects of past decisions.

**Vote:** Motion **carried unanimously**; **SEN. ELLIOTT**, in absentia, via proxy.

**DISCUSSION ON SB 81**

*{Tape: 3; Side: A; Approx. Time Counter: 15.3 - 26}*

**SEN. RYAN** inquired of **SEN. JOHNSON** if he intended to prepare Amendments for **SB 81**. **SEN. JOHNSON** replied he would rely on **SEN. COONEY** to provide the changes.

**CHAIRMAN GLASER** indicated the bill requires little modification, suggesting **SEN. COONEY** meet with **CONNIE ERICKSON** to prepare an Amendment for submission to the Committee next Wednesday.

**SEN. BUTCHER** expressed concerns over issues which arise by extending this legislation to later conflicts, and the potential for extending high school diplomas to individuals without determining whether they have at least some qualifications. He noted this bill was designed for an honorary degree and the individuals who qualify not likely to impact the labor market. However, by extending the legislation to later conflicts we might be negatively impacting the job market.

**SEN. STORY**, in agreement with **SEN. BUTCHER**, said additional concerns could arise. He noted, however, that because Vietnam and later wars were draft wars, there is less possibility of a volunteer using false identification to enter while still under age.

**SEN. COONEY** conveyed his experience to the Committee regarding the Vietnam draft. He reiterated there are some vast differences between WWII, the Korean Conflict, and later military actions which address many of the potential concerns of the Committee. However, he would like the bill to be more inclusive and will work toward that end.

**SEN. RYAN** expressed the importance of providing the full body with a bill which requires no amending, suggesting a delay in any Executive Action today.

**SEN. JOHNSON** referred to line 20 of the bill--" the superintendent shall identify"--noting the potential for someone to be missed. He would like the procedure to be more clearly established so as not to tarnish the nature and intent of the legislation.

**SEN. MANGAN** directed the Committee's attention to the fact that hearings are occurring elsewhere in this body that are attempting to reconcile conflicts which have arisen due to past legislation that distinguished between various wars. **SEN. MANGAN** believes it is time to create legislation that is more inclusive and allows recognition for all those who have served; in particular, those who served in Vietnam. He thinks this legislation provides an appropriate opportunity to serve that purpose and would appreciate **SEN. COONEY's** efforts in that direction.



**CHAIRMAN GLASER** agreed with **SEN. RYAN's** concerns over providing the full body with a finished bill; whether as is, or as Amended. He also agreed with **SEN. MANGAN.** **CHAIRMAN GLASER** noted that changes should be easily accomplished and would like to have the bill before the full body quickly.

**CHAIRMAN GLASER** reminded the Committee of the upcoming work to be accomplished, and adjourned the meeting.

**ADJOURNMENT**

Adjournment: 5:30 P.M.

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SEN. BILL GLASER, Chairman

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TARI ELAM, Secretary

BG/TE

**EXHIBIT (eds06aad)**